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December 11, 2015
VIA ECF AND FEDERAL EXPRESS

Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007 1312

**Re: In re J. Ezra Merkin and BDO Seidman Secs. Litig., No. 08 Civ. 10922 (DAB), Croscill Inc.
v. Gabriel Capital, L.P., No. 09 Civ. 6031 (DAB), and Morris Fuchs Holdings, LLC v. Gabriel
Capital, L.P., No. 09 Civ. 6483 (DAB) (S.D.N.Y.)**

Dear Judge Batts:

We represent the BDO defendants. The parties have executed an agreement of settlement of this litigation. The settlement contemplates the filing of a Stipulation of Discontinuance with Prejudice after the consummation of a settlement in a separate matter, which should occur in the first quarter of 2016. Because of the settlement of this matter, Plaintiffs and the BDO defendants agree that Plaintiffs' pending motion for reconsideration can be removed from the Court's calendar, without prejudice to plaintiffs' right to refile in the unlikely event that the separate settlement is not consummated.

We thank Your Honor for the Court's consideration of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'Cary B. Samowitz', written over a horizontal line.

Cary B. Samowitz

cc: All counsel (via ECF)